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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,992	11/07/2001	Robert B. Dybdal	700700-017	3329
21836	7590	12/03/2004	EXAMINER	
HENRICKS SLAVIN AND HOLMES LLP SUITE 200 840 APOLLO STREET EL SEGUNDO, CA 90245				SAMS, MATTHEW C
		ART UNIT		PAPER NUMBER
				2643

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*[Signature]*

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/007,992	DYBDAL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Matthew C. Sams	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 07 November 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-30 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 November 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                 |                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                            | Paper No(s)/Mail Date. _____.                                               |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/07/2001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                                                 | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION*****Information Disclosure Statement***

1. The information disclosure statement filed 11/07/2001 has been considered.

***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "714" has been used to designate both "BLOCKAGE/FOLIAGE PRESENT" and "ADEQUATE Pcw<sub>1</sub>Pc". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Fig. 7 [716]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the

figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of the term "and/or" renders the claim indefinite.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dent et al. (US-6,542,716 hereinafter, Dent).

Regarding claim 1, Dent teaches of an embodiment for determining the communication link quality employing beacon signals. (Col. 4 lines 12-23 and 33-35) Dent teaches of an embodiment that includes satellites with beacon transmitters including continuous wave tone and coded signals. (Col. 4 lines 40-46) Dent teaches of a communications device that is capable of establishing UHF communications links with satellites, and with means for receiving and processing the beacon signals to determine the quality of the UHF. (Col. 3 lines 48-50 and Col. 4 lines 15-23) Dent does not specifically state that the continuous wave and coded signals are different for each of the communications satellites. However, it is obvious that a mobile communications device must be able to determine a difference between satellite channel transmissions because the channel transmissions would interfere with each other when a mobile communications device was an equal distance away from two different transmission sources. (Col. 5 lines 23-43) A method describing an existing embodiment is viewed as a derivation from the same idea.

Regarding claim 2, Dent teaches of a coded signal in a communications bandwidth employed by the communications satellite and a continuous wave tone that is out of the communications bandwidth. (Col. 4 lines 33-56)

Regarding claim 3, Dent teaches a communication device comprising a transponder. (Fig. 1 and Col. 3 lines 42-44) In the Applicant's specification, a "transponder" is used interchangeably with a "mobile telephone". (Page 1 [0010])

Regarding claim 4, Dent teaches a method of a communication device that comprises a voice and data communicator. (Col. 3 lines 42-48 and Col. 4 lines 23-32)

Regarding claim 6, Dent teaches a method of determining communication link quality employing beacon signals that comprises a beacon receiver. (Col. 4 lines 12-32)

Regarding claim 7, Dent teaches a method of determining communication link quality employing beacon signals that comprises a continuous wave tone receiver. (Col. 4 lines 12-15, 33-35 and 49-56)

Regarding claim 8, Dent teaches a method of determining communication link quality employing beacon signals that comprises a coded signal beacon receiver. (Col. 4 lines 12-32)

8. Claims 5 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dent and Wiedeman et al. (US-2002/0032002 hereinafter, Wiedeman).

Regarding claim 5, Dent teaches the limitations of claim 1. Dent differs from the claimed invention in failing to mention a processor is used for receiving and processing the beacon signals. However, Wiedeman teaches of a means for receiving and processing the beacon signals comprising of a processor. (Page 2 [0014]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the processor of Wiedeman with the communications device of Dent. One of ordinary skill in the art would have been motivated to do this since a processor is a vital for controlling the functions of a communications device. (Page 2 [0014])

Regarding claim 9, Dent teaches the limitations of claim 1. Dent differs from the claimed invention in failing to mention a means for the communicating device to inform to a user, information pertaining to the quality of the communication links. However, Wiedeman teaches of a low performance warning system for a mobile satellite service user terminal. (Page 3 [0021]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the impaired loss of path warning of Wiedeman with the mobile communications device of Dent. One of ordinary skill in the art would be motivated to do this since this allows a user to be aware of the potential of reduced performance and dropped calls. (Page 3 [0022])

Regarding claim 10, Wiedeman teaches of communicating information provides a real time indication of link quality. (Page 3 [0023-0025])

Regarding claim 11, Wiedeman teaches of an LCD display attached to a wireless user terminal. (Page 3 [0022])

Regarding claim 12, Wiedeman teaches of information including noise information. (Page 3 [0027])

Regarding claim 13, Wiedeman teaches of information including interference information. (Page 3 [0028])

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dent and Wiedeman as applied to claim 9 above, and further in view of Duggan (US-4,776,035).

Regarding claim 14, Dent and Wiedeman teach the limitations of claim 9. Dent and Wiedeman differ from the claimed invention in not mentioning the information including scintillation information. However, Duggan teaches of

information pertaining to scintillation. (Col. 8 lines 58-68 & Col. 9 lines 1-3) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the information pertaining to scintillation of Duggan with a mobile communications device capable of informing a user of the quality of the communication link like that of Dent and Wiedeman. One of ordinary skill in the art would have been motivated to do this since scintillation effects the amplitude and phase of satellite radio signals observed at the earth's surface, which makes decoding or demodulating the correct information from the signal difficult and can causes reduced performance.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dent and Zamat (US-6,356,744).

Regarding claim 15, Dent teaches a method of determining the communication link quality employing beacon signals. Dent differs from the claimed device in failing to mention that the communications device can adjust the transmission power for the communications device. However, Zamat teaches a cellular system that instructs the communication devices to adjust the transmitting output power. (Col. 1 lines 22-45) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the ability to adjust the transmission power of a communications device like that of Zamat with Dent's method of determining communication link quality. One of ordinary skill in the art would be motivated to do this since it allows the mobile communications device to conserve power and to keep the base station from being saturated. (Col. 1 lines 22-24)

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11. Claims 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dent and Zamat as applied to claim 15 above, and further in view of Hegendoerfer (US-6,326,922).

Regarding claims 16, 18 and 19, Dent and Zamat teach a method of determining the communication link quality employing beacon signals while having a communications device that is capable of adjusting its transmission power. Dent and Zamat differ from the claimed invention by not teaching of a collapsible transmission power booster being a high gain Yagi antenna. However, Hegendoerfer teaches of a foldable high gain antenna that is a Yagi antenna (Fig. 4). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the foldable high gain Yagi antenna of Hegendoerfer with the communications device of Dent and Zamat. One of ordinary skill in the art would be motivated to do this since Hegendoerfer's design allows for the mobile communications device to have a high gain antenna that is constructed on a printed circuit board, which is cost-effective for mass manufacturing. (Col. 3 lines 5-35)

12. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dent and Zamat as applied to claim 15 above, and further in view of Rudish (US-6,219,006).

Regarding claim 17 Dent and Zamat teach a method of determining the communication link quality employing beacon signals while having a communications device that is capable of adjusting its transmission power. Dent and Zamat differ from the claimed invention by not teaching of a log periodic antenna. However, Rudish teaches of a compact log periodic antenna (Fig. 2

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[10]). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the log periodic antenna of Rudish with the communications device of Dent and Zamat. One of ordinary skill in the art would be motivated to do this since Rudish's design allows for a wide bandwidth with increased efficiency and sensitivity. (Col. 2 lines 33-40)

13. Claims 20-25 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dent and Wiedeman.

Regarding claim 20, Dent teaches of an embodiment for determining the communication link quality employing beacon signals. (Col. 4 lines 12-23 and 33-35) Dent teaches of an embodiment that includes satellites with beacon transmitters including continuous wave tone and coded signals. (Col. 4 lines 40-46) Dent teaches of a communications device that is capable of establishing UHF communications links with satellites, and with means for receiving and processing the beacon signals to determine the quality of the UHF. (Col. 3 lines 48-50 and Col. 4 lines 15-23) Dent does not specifically state that the continuous wave and coded signals are different for each of the communications satellites. However, it is obvious that a mobile communications device must be able to determine a difference between satellite channel transmissions because the channel transmissions would interfere with each other when a mobile communications device was an equal distance away from two different transmission sources. (Col. 5 lines 23-43) Dent differs from the claimed invention in failing to mention a processor is used for receiving and processing the beacon signals. However, Wiedeman teaches of a means for receiving and processing the beacon signals comprising of a processor. (Page 2 [0014] & Fig.

1) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the processor of Wiedeman with the communications device of Dent. One of ordinary skill in the art would have been motivated to do this since a processor is a vital for controlling the functions of a communications device. (Page 2 [0014] & Fig. 1)

Regarding claim 21, Wiedeman teaches of a processor that determines one or more link impairment factors from signal levels of beacon signals. (Page 1 [0007], Page 2 [0014] and Page 3 [0022] & [0030])

Regarding claim 22, Wiedeman teaches of a link impairment factor including a propagation loss factor. (Page 3 [0025])

Regarding claim 23, Wiedeman teaches of a link impairment factor including an interference factor. (Page 3 [0022])

Regarding claim 24, Wiedeman teaches of a link impairment factor, including a noise factor. (Page 3 [0027])

Regarding claim 25, Wiedeman teaches of a processor that is programmed to process data of variations in measured signal levels of the beacon signals to determine link impairment factors. (Page 2 [0014], Page 3 [0023], [0025], [0030] and [0031])

Regarding claim 28, Dent teaches that the communication stations comprise UHF communications satellites. (Col. 3 lines 48-52)

Regarding claim 29, Dent and Wiedeman teach that the communication stations are part of a terrestrial cellular network. (Dent: Fig. 1 and Col. 3 lines 42-50) (Wiedeman: Fig. 1 and Page 1 [0007])

Regarding claim 30, Dent teaches of a method of determining the communications link quality employing beacon signals with continuous wave tone and coded signals that are different for each communication station. (Col. 4 lines 12-46) Wiedeman teaches of a processor that is programmed to control a communications device, process beacon signals from one or more communication stations and determine the link quality between the communications device and the communications stations. (Page 2 [0014] and Page 3 [0022], [0030] & [0031]) Wiedeman teaches of user selectivity of operational modes during times of communications. (Page 1 [0005])

14. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dent and Wiedeman as applied to claim 25 above, and further in view of Duggan.

Dent and Wiedeman teach the limitations of claim 25. Dent and Wiedeman differ from the claimed invention in not mentioning the link impairment factors include a scintillation factor. However, Duggan teaches of a link impairment factor pertaining to scintillation. (Col. 8 lines 58-68 & Col. 9 lines 1-3) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the link impairment factor pertaining to scintillation of Duggan with a mobile communications device capable of informing a user of the quality of the communication link utilizing a processor like that of Dent and Wiedeman. One of ordinary skill in the art would have been motivated to do this since scintillation effects the amplitude and phase of satellite radio signals observed at the earth's surface, which makes decoding or demodulating

the correct information from the signal difficult and can causes reduced performance for the mobile communication device.

Regarding claim 27, Duggan teaches of a processor that is programmed to sequentially determine the link qualities. (Col. 12 lines 63-68 and Col. 13 lines 1-9)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (703)305-0810. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCS  
11/30/2004



GEORGE ENG  
PRIMARY EXAMINER